

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARCH 3, 1987

Mr. William K. Vogt
Director
WestChem
P.O. Box 19368
San Diego, CA 92119

Dear Mr. Vogt:

This letter is in response to your letter of February 4, 1987, requesting an interpretation of the regulatory status of your products EcoLite and EcoLume under the hazardous waste management regulations. Under the hazardous waste management regulations, a waste is considered hazardous if it is either listed under 40 CFR Part 261.31, 261.32, or 261.33, or exhibits one or more of the characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity).

Your products are not listed in the hazardous waste regulation; in addition, your products do not appear to exhibit any of the characteristics of hazardous waste based on our evaluation of the data enclosed with your letter. Furthermore, radioactive materials are not currently defined as hazardous under the Resource Conservation and Recovery Act. Therefore, your products do not appear to be hazardous wastes under the hazardous waste regulations. Nevertheless, each generator is still responsible for determining the hazardousness of their waste. In addition, since states and local authorities may have requirements more stringent than the federal hazardous waste rules (i.e., regarding the disposal of radioactive solutions), your customers should contact their state and local authorities to determine the regulatory status of these materials under state or local rules.

If you have any further questions regarding this matter, please call Mr. Ed Abrams at (202) 382-4787.

Sincerely,

Matthew A. Straus
Chief, Waste Characterization Branch

FaxBack# 11223

WestChem

P.O. Box 19368 · San Diego, California 92119
(619) 287-2700

February 4, 1987

Mr. Robert Scarberry
United States Environmental Protection Agency
Office of Solid Waste and Emergency Response
401 "M" Street Southwest
Washington, D.C. 20460

Dear Mr. Scarberry:

Thank you for going over the details regarding EPA regulations relating to the new era of biodegradeable liquid scintillation solutions.

Obviously, with Dupont now calling you for the same reason as WestChem, there has been some pressure on vendors possibly due to Packard's out of context representation of the EPA's letter from 1984.

To follow through on your request, I have enclosed two packets of information.

- 1) The WestChem material safety data sheet, toxicological data sheet, the "old" correspondence between WestChem and the EPA, and the letter to WestChem from Monsanto regarding the status of EcoLite's components as related to RCRA.
- 2) The information from Packard Instruments and the letter of 1984.

Since WestChem is also the manufacturer for ICN's EcoLume, would you please, in your letter, clarify the interpretation of the regulatory status for both of the identically formulated EcoLite and EcoLume.

The urgency of your response is extremely important and is requested to be sent within five days from receipt of this packet.

Sincerely,

William K. Vogt
Director

enclosure